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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 ANDREA KAY, DANIEL MYFORD,  
11 MICHAEL AGUILAR, TIFFANY ADEYEMO  
12 and MARISOL DIAZ, individually and on  
behalf of all others similarly situated,

13 Plaintiffs,

14 v.

15 WELLS FARGO & COMPANY, WELLS  
16 FARGO HOME MORTGAGE, INC.,  
17 WELLS FARGO BANK, N.A., NORTH STAR  
MORTGAGE GUARANTY REINSURANCE  
COMPANY,

18 Defendants.  
19 \_\_\_\_\_/

No. C 07-01351 WHA


**ORDER RE JOINT  
PROPOSAL OF FORM OF  
CLASS AND COUNSEL  
NOTICE**

20 The Court has received the parties joint proposal of class and counsel notice. In regards  
21 to the scope of class certification, ordinarily the damage period for a law suit ends at the  
22 commencement of action. If a plaintiff wishes to collect damages for events occurring after the  
23 commencement of the action, they must submit a new supplemental complaint updating the  
24 previous allegations. In practice, however, this is not always done. Courts sometimes allow  
25 damages to be sought up to cutoff date, but after the commencement of an action. In this case,  
26 damages may be sought for those mortgage transactions occurring up to **DECEMBER 31, 2007**.  
27 A separate action must be filed for damages occurring after this date. Counsel are warned not  
28 to settle this case by including those individuals whose mortgages closed after December 31,  
2007.

1 The parties proposed form of class notice and dissemination plan is approved, subject to  
2 the following conditions. The internet website dedicated to the litigation will be made available  
3 at <http://www.RESPAclassaction.com>. Defendants must provide the third-party administrator  
4 the addresses of the class members no later than **JANUARY 15, 2008**. All notice letters must be  
5 postmarked no later than **JANUARY 30, 2008**. Putative class members shall be given 40  
6 calender days from the date of the postmark to respond to the notice. No name or address for  
7 the attorneys representing the putative class members shall appear on the notice until counsel is  
8 appointed by the Court. The proposed form of counsel notice and dissemination is approved.  
9 Prospective attorneys and law firms should file their application with the Court by **JANUARY 10,**  
10 **2008.**

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12 **IT IS SO ORDERED.**

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14 Dated: December 18, 2007.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE